



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-102-17

Property Address: 9200 Bruckhaus Street

Property Owner: CIP Brier Creek LLC

Project Contact: Michael Birch

Nature of Case: A request for a 2' variance to Section 3.2.4.F.1. of the Unified Development Ordinance, to allow for a ground floor elevation of 0' in an apartment building on a 3.77 acre parcel zoned Commercial Mixed-Use-5 Urban Limited Conditional Use and located at 9200 Bruckhaus Street.



9200 Bruckhaus Street – Location Map

To BOA: 8-14-17

Staff Coordinator: Eric S. Hodge, AICP

ZONING DISTRICTS: Commercial Mixed-Use-5 Urban Limited Conditional Use



9200 Bruckhaus Street – Zoning Map

Z-44-16 – Bruckhaus Street, north side, at its intersection with Alm Street, being Wake County PIN 0758925523, approximately 3.77 acres rezoned to Commercial Mixed Use-5 stories-Urban Limited-Conditional Use (CX-5-UL-CU).

Conditions dated: February 16, 2017

1. The following principal uses shall be prohibited on the property: adult establishment; detention center, jail, prison; commercial parking lot; remote parking lot; vehicle fuel sales; vehicle parts and accessories; vehicle sales/rental; vehicle repair – all types; car wash; any principal use with a drive through window. The maximum amount of floor area for a self-service storage use shall be 215,000 square feet.
2. Any principal building constructed on the property shall be a minimum two (2) stories in height.
3. No driveway cut shall be permitted along the property's frontage on Alm Street.

VARIANCE STANDARDS: In accordance with UDO §10.2.10 Variance, before a variance request is granted, the Board of Adjustment shall show all of the following:

To Legalize the Existing Structure:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Sec. 3.2.4.F.1. Floor Heights

Ground Floor elevation (min) Residential: 2'

Application for Variance



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
Nature of variance request (if more space is needed, submit addendum on separate sheet): Petitioner requests a variance to UDO section 3.2.4.F1, governing the minimum ground floor elevation for a residential use, to permit a minimum ground floor elevation of zero (0) feet.	Transaction Number A-102-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 9200 Bruckhaus Street	Date 7/14/17	
Property PIN 0758-92-5523	Current Zoning CX-5-UL-CU	
Nearest Intersection Bruckhaus Street and Alm Street	Property size (in acres) 3.77 acres	
Property Owner CIP Brier Creek LLC	Phone	Fax
Owner's Mailing Address 111 E. Hargett Street, Suite 300, Raleigh, NC 27601	Email	
Project Contact Person Michael Birch, Morningstar Law Group	Phone 919.590.0388	Fax
Contact Person's Mailing Address 421 Fayetteville St., Ste. 530, Raleigh, NC 27601	Email mbirch@morningstarlawgroup.com	
Property Owner Signature <i>[Signature]</i>	Email timd@crown-companies.com	
Notary Timothy A. Dockery Sworn and subscribed before me this 13 day of July, 2017	Notary Signature and Seal <i>[Signature]</i> 	

CIP BRIER CREEK LLC
CHEROKEE ADVISERS LLC
111 E HARGETT ST STE 300
RALEIGH NC 27601-1482

LENNOX AT BRIER CREEK
HOMEOWNERS ASSN INC
C/O CHARLESTON MANAGEMENT
PO BOX 97243
RALEIGH NC 27624-7243

DALY, TRAVIS DALY, BROOKE
1196 STONE KIRK DR
RALEIGH NC 27614-7289

RACHEL L WADE REVOCABLE
TRUST
9146 WOODEN RD
RALEIGH NC 27617-8203

JO, SEAN JO, MYRA
9144 WOODEN RD
RALEIGH NC 27617-8203

DOHERTY, JASON T DOHERTY,
JENNIFER J
9142 WOODEN RD
RALEIGH NC 27617-8203

GRAY PROPERTY 2004 LLC
5004 MONUMENT AVE STE 200
RICHMOND VA 23230-3629

NEWTON, DERRICK NEWTON,
LAUNIECE
9136 WOODEN RD
RALEIGH NC 27617-8203

MOSS, VINCENT ERIC THOMPSON,
MARY JANE
9134 WOODEN RD
RALEIGH NC 27617-8203

MATTEGUNTA, AGNES
9138 WOODEN RD
RALEIGH NC 27617-8203

CHAMBERS, DWIGHT J CORREA,
BLANCA M
9132 WOODEN RD
RALEIGH NC 27617-8203

LENNOX AT BRIER CREEK
HOMEOWNERS ASSN INC
C/O CHARLESTON MANAGEMENT
PO BOX 97243
RALEIGH NC 27624-7243

NUYGEN, ANTHONY H NUYGEN,
ANNETTE T
9128 WOODEN RD
RALEIGH NC 27617-8203

WENDLE, OSCAR WENDLE, GINA
9126 WOODEN RD
RALEIGH NC 27617-8203

WILLIFORD, IRA GAVIN
9124 WOODEN RD
RALEIGH NC 27617-8203

GHOSH, AUBHRO DEBNATH,
SHUKLA
9122 WOODEN RD
RALEIGH NC 27617-8203

KHALID, NAZAR MOHAMED,
LENNAH
9120 WOODEN RD
RALEIGH NC 27617-8203

WALEWSKI, KELLY SANCHEZ,
HERIBERTO
9118 WOODEN RD
RALEIGH NC 27617-8203

STANDARD PACIFIC OF THE
CAROLINAS LLC
1100 PERIMETER PARK DR STE 112
MORRISVILLE NC 27560-9119

BRIER CREEK VILLAGE CENTER
TRACT A OF MP204 ASSN I...
CHARLESTON MANAGEMENT
CORPORATION
PO BOX 97243

CPI ALM STREET LLC
CPI ALM STREET I LLC
SPC ASSOCIATES LLC
235 MOORE ST STE 3
HACKENSACK NJ 07601-7417

MEDICAL PROPERTIES I RALEIGH
LLC
MB REAL ESTATE
181 W MADISON ST STE 4700
CHICAGO IL 60602-4584

